

REMARKS

Applicants thank the Examiner for the detailed Office Action dated 27 August 2007. Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

Claims 1-7, 10-18, and 95-104 remain pending.

Entry of this amendment is proper under 37 C.F.R. § 1.116 since the amendment: (a) places the application in condition for allowance (for the reasons discussed herein); (b) does not raise any new issues requiring further search and/or consideration; and/or (c) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to new rejections raised in the final Office Action. Applicants respectfully request reconsideration in light of this amendment and the following remarks.

Claim Rejections – 35 U.S.C. § 112 ¶1

On page 3 of the Final Office Action, claims 1, 3, 7, 10, 12-15, 18, 95 and 96 were rejected under 35 U.S.C. § 112 ¶1 for failing to comply with the written description requirement. Specifically, the Patent Office has asserted that the specification shows the bonding polymer as being “a discrete layer, rather than a component material in the skin layer.

Applicants direct the Patent Office to paragraph [0048] where it states:

[0048] The skin of the polypropylene foam co-extruded material can be made of the same or a different polypropylene or blend of polypropylenes or a polymer or blend of polymers other than polypropylene for specific desired characteristics. Depending upon desired characteristics, **the skin can be of a single layer or a multiple layer construction. An example of a multiple layer construction is for use in Modified Atmosphere Packaging [MAP] where barrier films may need to be joined to the foam core or other layers by an assisting tie layer for bonding.**

Similarly another layer may need to be added to the surface to provide acceptability for food contact.

Applicant respectfully submits that this passage conclusively shows that there is explicit support for the skin layer to comprise a bonding polymer. Applicant further directs the Patent Office to paragraphs [0035], [0047], and [0084] for further support.

Applicants respectfully submit that claims 1, 3, 7, 10, 12-15, 18, 95, and 96 are supported by the specification within the meaning of 35 U.S.C. § 112 ¶1. Accordingly, Applicants respectfully request that the rejection be withdrawn.

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Applicants respectfully submit that the present Application is in condition for allowance. Applicants request reconsideration and allowance of the pending claims. The Examiner is invited to contact the undersigned by telephone if the Examiner needs anything or if a telephone interview would advance the prosecution of the present application.

Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required for this application, or credit any overpayment, to Deposit Account No. 08-2623. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension and authorize payment of any such extension fees to Deposit Account No. 08-2623.

Respectfully submitted,

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